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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,834	05/15/2006	Franz Muchel	GK-ZEI-3302/500343.20323	7467
26418	7590	03/17/2008		
REED SMITH, LLP			EXAMINER	
ATTN: PATENT RECORDS DEPARTMENT			THOMPSON, TIMOTHY J	
599 LEXINGTON AVENUE, 29TH FLOOR				
NEW YORK, NY 10022-7650			ART UNIT	PAPER NUMBER
			2873	
			MAIL DATE	DELIVERY MODE
			03/17/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/595,834

**Applicant(s)**

MUCHEL, FRANZ

**Examiner**

TIMOTHY J. THOMPSON

**Art Unit**

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9, 10, 13 and 15 is/are rejected.
- 7) ☒ Claim(s) 11, 12 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 10, 13, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiraga(U.S. Pat. No. 6,560,033).

Regarding claim 9, Hiraga discloses, a collector assembly(fig 2, G1, G2); and an apochromaticizing adapter assembly which is associated with the collector assembly(fig 2, G3).

Regarding claim 10, Hiraga discloses the adapter assembly has three lenses(fig 2, G3), wherein one lens having negative power(table 2, r9-r10) is arranged between two lenses having positive power(table 2, r8-r9, r10-r11).

Regarding claim 13, Hiraga discloses wherein the collector assembly has two lenses(fig 2, r1-r2, r3-r4).

Regarding claim 15, Hiraga discloses designed for wavelengths in the range of 365 nm to 644 nm(col 8, lines 5-20 since the aberration diagram is wavelengths within the wavelength range).

Claims 9, 10, 13, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sharma(U.S. Pat. No. 2004/0109238).

Regarding claim 9, Sharma discloses, a collector assembly(fig 3, 24, 27); and an apochromaticizing adapter assembly which is associated with the collector assembly(fig 3, 21-23).

Regarding claim 10, Sharma discloses the adapter assembly has three lenses(fig 3, 21-23), wherein one lens having negative power(fig 3, 22) is arranged between two lenses having positive power(table 3, 21, 23).

Regarding claim 13, Sharma discloses wherein the collector assembly has two lenses(fig 3, 23, 27).

Regarding claim 15, Sharma discloses designed for wavelengths in the range of 365 nm to 644 nm(para 0036, 0037).

#### ***Allowable Subject Matter***

Claims 11, 12, 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The allowable features being; the three lenses are separated from one another by air gaps, and the lens surfaces facing the air gaps have identical radii(claim 11); wherein the optical characteristics of the two lenses having positive power are identical(claim 12); wherein means are provided for detachably connecting the adapter assembly to interchangeable collector assemblies which have different optical characteristics(claim 14) .

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY J. THOMPSON whose telephone number is (571)272-2342. The examiner can normally be reached on 8:30 AM - 6:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mack Ricky can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy J Thompson/  
Primary Examiner, Art Unit 2873